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7 Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Civil No. 08cv0074-IEG(NLS)  
11 Plaintiff, )  
12 v. )  
13 \$23,120.00 IN U.S. CURRENCY, )  
14 ONE 2007 CHEVROLET AVALANCHE )  
TRUCK, CA LICENSE NO. 8E38789, )  
15 VIN 3GNEC12J17G138443, ITS TOOLS )  
AND APPURTENANCES, )  
16 ONE 2003 AUDI QUATTRO SEDAN, )  
CA LICENSE NO. 5LKB440, )  
17 VIN WAULC68E73A197008, ITS TOOLS )  
AND APPURTENANCES, )  
18 \$1,200.00 IN U.S. CURRENCY, )  
19 Defendants. )  
20 )  
JOINT REPORT PURSUANT TO  
FED. R. CIV. P. RULE 26(f)

22 Pursuant to Rule 26(f), Federal Rules of Civil Procedure, Counsel for the parties jointly  
23 submit the following report.

## DISCOVERY PLAN

25 1. By order of the Court, the initial disclosure required by Rule 26(a) shall be provided  
26 by May 12, 2008. By order of the Court, identity of experts and their expected testimony shall be  
27 disclosed by August 13, 2008. Exchange of rebuttal experts shall be completed by August 27, 2008.

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1           2. Discovery will be needed on the subject of the sources and ownership of the seized  
2 currency, and the sufficiency of grounds for the forfeiture. Depositions of necessary parties by  
3 claimants will be required to ascertain information regarding the search of and seizure from the  
4 residence. The parties expect that this portion of discovery will be concluded by July 31, 2008.

5 3. No changes in discovery rules are contemplated, except as noted above.

**6** || 4. No orders are contemplated pursuant to Rule 26(f)(4).

## CLAIMS AND DEFENSES

8                   Claimants Eliseo Jimenez and Melissa Archambault claim a legal interest in the Defendant  
9 currency and property as owners. The defense to the forfeiture Claimant will pursue is that the  
10 government lacked probable cause for the seizure of the Defendant currency and property, is unable  
11 to meet its burden of proof, and that the search/searches which led to the seizure of the defendant  
12 currency were unlawful.

## NEGOTIATIONS REGARDING SETTLEMENT

14 Counsel for the parties have met and conferred regarding the potential for settlement of the  
15 case. There has been very little discussions regarding settlement and the two sides are far apart, but  
16 the parties agree that discovery will be necessary.

17 DATED: April 28, 2008

Respectfully submitted,

KAREN P. HEWITT  
United States Attorney

s/ David M. McNees

DAVID M. McNEES  
Special Assistant U.S. Attorney

**24** || DATED: April 28, 2008

s/ Richard M. Barnett

RICHARD M. BARNETT  
Attorney for Claimant